

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et al.,

Plaintiffs,

-against-

CITY OF NEW YORK, et al.,

Defendants.

**DECLARATION OF ALAN H.
SCHEINER IN SUPPORT OF
DEFENDANTS'
MEMORANDUM OF LAW IN
OPPOSITION
TO PLAINTIFFS' MOTION
FOR CIVIL CONTEMPT**

11 CIV. 5845 (LTS)(JCF)

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UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

-against-

CITY OF NEW YORK and NEW YORK
CITY DEPARTMENT OF CORRECTION,

Defendants.

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ALAN H. SCHEINER, declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am a Senior Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for Defendants City of New York ("the City") and New York City Department of Correction ("the Department"). As such, I am familiar with the facts stated below and submit this declaration to place on the record the relevant documents in support of said Defendants' opposition to the motion of the Plaintiff Class for contempt. (The United States is not a movant.)

2. Attached as Exhibit A are pages 69 through 77 of the transcript of the conference that took place before this Court on November 17, 2022 (Docket Entry 490).

3. Attached as Exhibit B are emails between the parties and the *Nunez* Independent Monitor (“the Monitor”), which were sent between September 23, 2022, and October 26, 2022. Irrelevant emails and immaterial information have been redacted.

4. Attached as Exhibit C are two letters set from the City to Plaintiffs’ counsel, dated September 13, 2022, and September 23, 2022.

5. Attached as Exhibit D is a letter sent from Plaintiffs’ counsel to the City and the Monitor, sent August 26, 2022.

6. Attached as Exhibit E are emails between the parties and the Monitor, which were sent between December 8, 2022, and January 19, 2023. Irrelevant emails immaterial information have been redacted.

I hereby declare under penalty of perjury that the foregoing is true and correct.
Executed this 8th day of February, 2023.

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel of the
City of New York
*Attorney for Defendants City of New York and New
York City Department of Correction*
100 Church Street
New York, New York 10007
(212) 356-2344

By: *Alan H. Scheiner* /s/

Alan H. Scheiner
Senior Counsel
Special Federal Litigation Division

Dated: New York, New York
February 8, 2023